



COUNTY OF LOS ANGELES  
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Acting County Counsel

July 1, 2009

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisor

Attention: Agenda Preparation

FROM: JOHN F. KRATILI   
Senior Assistant County Counsel

RE: **Patricia and Samuel Price, Jr. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 392 861**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

JFK:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Patricia and Samuel Price, Jr. v. County of Los Angeles Los Angeles Superior Court Case No. BC 392 861, in the amount of \$250,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit seeks compensation for a death which occurred while in the custody of the Sheriff's Department.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Patricia and Samuel Price v. County of Los Angeles
CASE NUMBER	BC 392861
COURT	Los Angeles Superior Court
DATE FILED	6/20/08
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$250,000
ATTORNEY FOR PLAINTIFF	Donald Prichard
COUNTY COUNSEL ATTORNEY	Gordon Trask
NATURE OF CASE	<p>Plaintiff's decedent, Lavone Smith, was injured by another inmate in the Twin Towers jail. When Deputies were made aware of the injury, they took Mr. Smith to the hospital where it was determined that he needed immediate surgery. During the surgery, Mr. Smith died.</p> <p>Plaintiffs claim that the Sheriff's Department failed to protect Mr. Smith while he was incarcerated. The Sheriff's Department contends that it did not have any notice that Mr. Smith was in danger, and when it was discovered that he was injured, he was taken to the hospital.</p>

Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$250,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$85,634
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PAID COSTS, TO DATE	\$2,093
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## Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p style="text-align: center;"><b><u>Patricia and Samuel Price Jr. v. County of Los Angeles</u></b> (Summary Corrective Action Plan #2009-010)</p> <p>Wednesday, July 25, 2007; 6:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Thursday, July 26, 2007, at approximately 10:00 p.m., Los Angeles County sheriff's deputies were conducting a standard security check in Module 241, Twin Towers Correctional Facility, when they were informed by Lavone Smith's cell mate that he (Mr. Smith) had injured his back. The deputies questioned Mr. Smith who told them that he injured his back while taking a bath from the sink in his cell. Mr. Smith told the deputies he would be fine until the deputies finished their security check. At approximately 11:30 p.m., the deputies were notified that Mr. Smith was now on the floor in his cell.</p> <p>When the deputies arrived at Mr. Smith's cell, they found him lying face down on a blanket. The deputies asked Mr. Smith to lift his shirt so they could see his injury. When Mr. Smith lifted his shirt, the deputies observed a makeshift bandage (undershirt) wrapped around his lower back. It was spotted with what appeared to be a brown fluid. The deputies also observed a 3" inch cut on his back.</p> <p>When the deputies told Mr. Smith that his injury did not appear to have been caused by the corner of a sink or metal edge to his bunk (as he later alleged), Mr. Smith insisted that he fell and struck a lower bunk.</p> <p>At this time, the deputies summoned emergency medical personnel. Mr. Smith was escorted to the facility's medical clinic. When the nurses asked Mr. Smith how he injured his back, he repeatedly told them that he fell and hit his back on a bunk. He was treated and subsequently transported to the Los Angeles County/University of Southern California Medical Center.</p> <p>While at the hospital, Mr. Smith underwent surgery. He was pronounced dead at 4:59 a.m.</p>

County of Los Angeles  
Summary Corrective Action Plan

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1. Briefly describe the root cause of the claim/lawsuit:

This is a case of probable liability.

During the Los Angeles County Sheriff's Department's subsequent investigation, it was determined that Mr. Smith was likely stabbed by another inmate the previous day when a staff member inadvertently (and in violation of established policy/procedure) activated and opened multiple cell doors simultaneously, allowing several inmates, including Mr. Smith, to fight.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate.)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

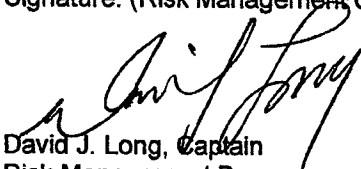
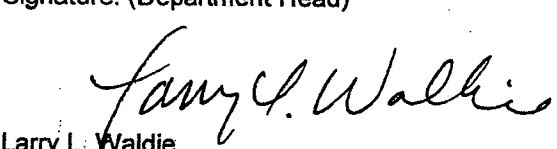
The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

The investigation conducted by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau revealed employee misconduct. Appropriate administrative action was taken.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 5-19-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 05-26-09